

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014071060

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On August 26, 2014, Student filed a request to continue the dates in this matter based upon the unavailability of Student's counsel. District filed no opposition. However, on September 2, 2014, District's counsel filed a request to change the time of the prehearing conference scheduled for September 5, 2014, without responding to Student's request for a continuance of all dates.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. District has not opposed Student's request for continuance. Student credibly established that its counsel contacted District to obtain agreement on alternative dates, and District provided available dates. The requested dates are reasonable because they are within 90 days of the original hearing date.

This matter will be set as follows:

Mediation:	October 2, 2014 at 9:30 a.m.
Prehearing Conference:	November 10, 2014 at 3:00 p.m.
Due Process Hearing:	November 20, 2014 at 9:30 a.m., November 24, 2014 at 1:30 p.m., November 25 and 26, 2014 at 9:00 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: September 02, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings